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| 09/752,507 | 12/27/2000 | Zijie Wang | | 9479 |

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| EXAMINER |
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PAN, YUWEN

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| ART UNIT | PAPER NUMBER |
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2682

DATE MAILED: 12/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,507

Applicant(s)

WANG, ZIJIE

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 10/29/03 have been fully considered but they are not persuasive to claims 1,3-6,8-11,13,14, and 16-18.

The applicant argues that the new added limitation, which a magnetic field is created around the first mean, and magnetic field repels the second means whereby the cover is moved from the closed position to the open position, has overcome the ground rejection. The examiner respectfully disagrees. Holshouser's reference discloses an electronic device in which has a magnetic device that maintains a flip cover in a closed position and an electromagnetic release conveniently positioned for one-handed operation by a user. The magnetic device comprises one natural magnet within the flip cover, one electronic magnet in which is a magnet material, such as iron, that wrapped with conductive coils (see figure 5 and item 60a, 60b, and 62, see column 5 and lines 40-45). Unlike natural magnet, the magnet material won't produce magnetic field until a current is induced. According to the principle of the physics, the strength of the magnet material is depended on the amount of the current from the power source. The minimum amount the force needed to have an opening potential is when the attracting force and the repelling force are at an equilibrium state. Since the magnetic force of the natural magnet is fixed, with reasonable amount of current applying on to the conductive coil, the repelling force could be larger than the fixed attracting force. Therefore, as a whole, inherently the first mean, the conductive coil with the magnet material, would repel the second means, the natural dipole magnet.

2. Applicant's arguments with respect to claim 19 have been considered but are moot in view of the new ground(s) of rejection.

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3. The examiner has acknowledged that claims 2,7,12, and 15 are cancelled, a new claim, claim 19, is added.

DETAILED ACTION

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 19, the limitation “no spring force is provided to encounter or be encounter by said magnetic field” is a negative limitation that rendered the claim indefinite because it was attempt to claim to invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent (see MPEP 2173.05).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1,3-6,8-11,13,14, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Holshouser et al (US006151486A).

With respect to claim 1, Holshouser discloses an electronic device which has a housing and a cover moveable between a closed position and an open position with respect to the housing, an unfolding apparatus for automatically opening the over with respect to the housing, the unfolding apparatus (see column 1 and lines 53-60) comprising:

A first means for creating a first magnetic field, the first means being adapted to be provided in the housing of the electric device (see column 1 and line 61-column 2 and line 11);

A second means for creating a second magnetic field, the second means being adapted to be provided in the cover of the electronic device and be opposite to the first magnetic field when the cover is in the closed position (see column 2 and lines 12-23); and

A controller for electronically connecting the first means with a power source of the electronic device, the controller being adapted to be provided in at least one of the housing and the cover (see column 2 and lines 60-67); wherein

When the first means is electrically activated by the power source, a magnetic field is created around the first means, and inherently magnetic filed repels the second means, whereby the cover is moved from the closed position to the open position (see column 1 and line 61-column 2 and line 11).

With respect to claim 6, Holshouser discloses a portable communication device (see figure 6) comprising:

A housing having a keypad (see figure 4);

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A cover attached to the housing by a hinge, the cover being moveable between a closed position and an opened position with respect to the housing (see column 1 and line 61-column 2 and line 11);

A first means for creating a first magnetic field, the first means being adapted to be provided in the housing of the electric device (see column 1 and line 61-column 2 and line 11);

A second means for creating a second magnetic field, the second means being adapted to be provided in the cover of the electronic device and be opposite to the first magnetic field when the cover is in the closed position (see column 2 and lines 12-23).

A controller having a pair of first moveable and first stationary contacts respectively and a pair of second moveable and second stationary contacts respectively, the pair of first thereby controlling at least one of the first and second means, the pair of second contacts controlling answering of incoming messages of the device, the controller being provided in at least on of the housing and the cover (see figure 5, column 2 and lines 60-67, column 3 and lines 1-20); wherein

When the movable contacts are pressed by the controller to contact the stationary contacts, a magnetic field is created around the first means to repel the second means, and the answering switch is activated, whereby the cover is moved from the closed position to the open position for answering by a user (see column 1 and line 61-column 2 and line 11).

With respect to claims 3,8, Holshouser further discloses the first means for creating the first magnetic field comprises and electromagnetic coil (see figure 5).

With respect to claims 4,9, Holshouser further discloses the second means for creating the second magnetic field comprises a magnet (see figure 6 and item 60b).

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With respect to claims 5,10, Holshouser further discloses the controller comprises an operator, a movable contact abutting against a lower face of the operator, and a stationary contact, and both the movable contact and the stationary contact are respectively connected with circuitry between the first means and the power source (see figure 5 and 6A, and items 65,61).

With respect to claim 11, Holshouser discloses an electronic device (see figure 6) comprising:

A housing having a keypad (see figure 4);

A cover attached to the housing by a hinge, the cover being moveable between a closed position and an opened position with respect to the housing (see column 1 and line 61-column 2 and line 11);

A first means for creating a first magnetic field, the first means being adapted to be provided in the housing of the electric device (see column 1 and line 61-column 2 and line 11);

A second means for creating a second magnetic field, the second means being adapted to be provided in the cover of the electronic device and be opposite to the first magnetic field when the cover is in the closed position (see column 2 and lines 12-23).

A controller for creating at least one of the first and second magnetic fields the thereby control magnetic force between the first and second magnetic, the controller being provided in at least on of the housing and the cover (see figure 5, column 2 and lines 60-67, column 3 and lines 1-20).

When the first means is electrically activated by a power source of the electronic device under the action of the controller, a magnetic field is inherently created to repel the second means away from the closed position.

With respect to claim 13, discloses said device is a permanent magnet (see figure 6 and item 60b), and said inducement is performed by an electro magnet (see figure 5 and item 60a).

With respect to claims 14, Holshouser further discloses the controller comprises a movable contact and a stationary contact, and the movable contact and stationary contact are normally in an open state (see figure 5 and 6A, and items 65,61).

With respect to claim 16, Holshouser discloses a cellular phone comprising:

A housing and a cover rotatably attached to the housing and activated, directly or indirectly, by a button (see figure 5), said controller activating circuits to create inducement (see column 2 and lines 23-37);

A device mounted on the cover actuated by said inducement to rotatably move the cover relative to the housing (see column 2 and lines 38-59, see figure 6 and item 60b); wherein

Said controller activates circuits to create a magnetic field to inherently repel said device, which in turn rotatably moves the cover from the cover from a closed position to an open position.

With respect to claim 17 and 18, Holshouser discloses said device is a permanent magnet (see figure 6 and item 60b), and said inducement is performed by an electro magnet (see figure 5 and item 60a).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

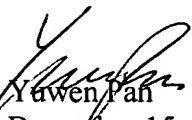
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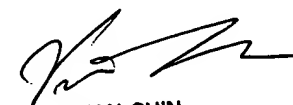
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


Yuwen Pan
December 15, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
12/15/03